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PATENTS, TRADEMARKS, COPYRIGHTS

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MAIL STOP PATENT APPLICATION

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450



**REQUEST FOR FILING A CONTINUATION OR DIVISION  
OF AN INTERNATIONAL APPLICATION**

Sir:

This is a request for filing a *continuation* application under 37 C.F.R. 1.53(b), of pending prior international application number PCT/EP02/05652 filed on May 23, 2002 which designated the United States.

Inventor(s): **Markus NESPER, Klaus-Dieter STEINHILPER, Dieter WEISSHAUPT and Karl-Dieter LERCH**

Title: **IMPLANT FOR FIXING ADJACENT BONE PLATES**

**APPLICATION ELEMENTS:**

- (1)  Patent Application Specification, including Abstract and claims - **25** pages
- (2)  **Two (2)** sheet(s) of **formal drawings**, together with transmittal letter
- (3)  A check in the amount of \$ 1,044.00 to cover the  filing fee(\$1,004.00 ) and/or  Assignment Recordal Fee (\$ 40.00 ) is enclosed.
  
- Before calculating the fee, cancel claim(s)
- Before calculating the fee, see copy of Preliminary Amendment filed.

Basic Fee								\$	770.00
Multiple Dependent Claims (\$260.)									
Foreign Language Surcharge (\$130.)									
	For	No. Filed	-	No. Extra		Rate			
EXTRA	Total Claims	33	20	13	x	\$18.	=	\$ 234.00	
CLAIMS	Independent Claims	1	3	0	x	\$86.	=	\$ 0.00	
<b>TOTAL FILING FEE</b>								=	\$ 1,004 .00

- The Commissioner is hereby authorized to charge any deficiency in the payment of the required fee(s) or credit any overpayment to Deposit Account No. 50-0625.
- (4)  Declaration and Power of Attorney form -- 4 pages total (extra page 3 with signature of Applicant Lerch)
- a.  Newly executed
- b.  Copy from a prior application
- c.  Deletion of inventor(s) – signed statement attached deleting inventor(s) named in the prior application.
- (5)  Small Entity Status

**ACCOMPANYING APPLICATION PARTS:**

- (6)  Assignment document
- a.  Newly executed (with \$40.00 recordal fee) and separate transmittal Form PTO-1595
- b.  Copy from a prior application
- c.  Please include assignee information when this application is published
- Assignee: AESCULAP AG & Co. KG**  
**Am Aesculap-Platz**  
**78532 Tuttlingen**  
**Germany**
- (7)  Preliminary Amendment
- (8)  Certified Copy of Priority Document, together with separate transmittal letter
- (9)  Information Disclosure Statement, together with PTO Form 1449 and copies of cited references
- (10)  Return receipt postage prepaid postcard

- (11)  Express Mail Certificate (Mailing Label No. EV 129898049 US)  
(12)  Application Data Sheet  
(13)  Other:

- 
- (14)  Please amend the specification by inserting before the first line the sentence:

**“This application is a continuation of international application number PCT/EP02/05652 filed on May 23, 2002 .”**

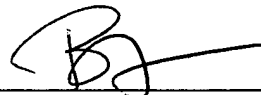
- (15)  This application claims the benefit of German Patent Application No. 101 28 918.9 filed June 15, 2001 .

- (16)  Correspondence address:

**Barry R. Lipsitz  
Law Offices of Barry R. Lipsitz  
755 Main Street, Building 8  
Monroe, CT 06468  
Telephone: (203) 459-0200**

- (17)  Pursuant to the provisions of 37 C.F.R. Sections 1.10 and 1.53, Applicants respectfully request that this application be assigned a serial number and a filing date of December 9, 2003, the date upon which the application was mailed to the Patent and Trademark Office by Express Mail (No. EV 129898049 US).

Respectfully submitted,



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Barry R. Lipsitz  
Attorney for Applicant(s)  
Registration No. 28,637  
755 Main Street, Bldg. 8  
Monroe, CT 06468  
(203) 459-0200

**ATTORNEY DOCKET NO.: HOE-790  
Date: December 9, 2003**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: )  
 )  
Nesper et al. )  
 )  
Filed: Herewith )  
 )  
For: **IMPLANT FOR FIXING ADJACENT BONE PLATES**

EXPRESS MAIL CERTIFICATE

**MAIL STOP PATENT APPLICATION**

**Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450**

"Express Mail" mailing label number EV 129898049 US  
Date of Deposit: December 9, 2003

I hereby certify that the attached:

- Return receipt postage prepaid postcard;
- Check in the amount of \$1,044.00 (Filing fee (\$1,004.00) and recordal fee (\$40));
- Transmittal Letter (Request for Filing a Continuation or Division of an International Application), with attachment - 3 pages total;
- Patent Application Specification including Abstract and Claims (25 pages);
- Application Data Sheet;
- Two (2) sheets of formal drawings, together with transmittal letter;
- Certified copy of priority document (German patent application no. 101 28 918.9), together with transmittal letter;
- Declaration and Power of Attorney form;
- Assignment, together with Form PTO-1595;
- Information Disclosure Statement, together with Form PTO-1449 and copies of cited foreign documents and International Search Report for International patent application PCT/EP02/05652.

are being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 C.F.R. 1.10 and 1.53 on the date indicated above and is addressed to: **MAIL STOP PATENT APPLICATION, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.**

Carol Prentice  
(Typed or printed name of person mailing paper or fee)

*Carol Prentice*  
(Signature of person mailing paper or fee)

Respectfully submitted,

Date: **December 9, 2003**  
ATTORNEY DOCKET NO.: **HOE-790**

*Barry R. Lipsitz*  
Barry R. Lipsitz  
Attorney for Applicant(s)  
Registration No. 28,637  
755 Main Street, Bldg. 8  
Monroe, CT 06468  
(203) 459-0200

P A T E N T

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: )  
 )  
 Nesper et al. )  
 )  
 Application No.: )  
 )  
 Filed: Herewith )  
 )  
 For: **IMPLANT FOR FIXING ADJACENT BONE PLATES**

**DRAWING REVIEW BRANCH**  
 Commissioner for Patents  
 P.O. Box 1450  
 Alexandria, VA 22313-1450

<b>CERTIFICATE OF MAILING</b>
I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as Express Mail (No. EV 129898049 US) addressed to MAIL STOP PATENT APPLICATION, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on December 9, 2003.
By: <u>Carol Prentice</u> Carol Prentice

**TRANSMITTAL OF FORMAL DRAWINGS**

Dear Sir:

Enclosed are two (2) sheets of formal drawings for filing in the above-referenced patent application.

Please advise the undersigned attorney if correction is necessary.

Respectfully submitted,



\_\_\_\_\_  
 Barry R. Lipsitz  
 Attorney for Applicant(s)  
 Registration No. 28,637  
 755 Main Street, Building 8  
 Monroe, CT 06468  
 (203) 459-0200

Date: December 9, 2003  
**ATTORNEY DOCKET NO.: HOE-790**